

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

DAVONE JACKSON,

Plaintiff,

v.

REALPAGE, INC. d/b/a LEASING DESK,

Defendant.

Case No. 3:18-cv-00012

District Judge William L. Campbell, Jr.

PLAINTIFF DAVONE JACKSON 'S STATEMENT OF UNDISPUTED FACTS

1. In June 2015 Plaintiff applied for an apartment at Midtown Estates in Murfreesboro, Tennessee. (Exhibit A Minks Dep at 10:22-11:6).

Response:

2. Midtown Estates is a multifamily Section 8 housing complex. (Exhibit A Minks Dep. at 6:24-7:18).

Response:

3. The property at Midtown Estates was particularly appealing to Mr. Jackson because the rent was calculated as a percentage of his income and, therefore, was significantly less than the prevailing rents in Murfreesboro. (Exhibit A Minks Dep. at 6:24-7:18).

Response:

4. The property manager for Midtown Estates told Mr. Jackson that he would be put on the waiting list for an apartment. (Exhibit A Minks Dep at 11:15-18).

Response:

5. Periodically, Mr. Jackson would check with Midtown Estates to see where he was on the waiting list. (Exhibit A Minks Dep at 11:19-12:4).

Response:

6. In March of 2016 Plaintiff became eligible to rent an apartment at Midtown Estates. (Exhibit A Minks Dep at 14:2-5).

Response:

7. Plaintiff provided his first name, middle name, last name, full date of birth and social security number on his application he filled out for Midtown Estates. (Jackson 063-070).

Response:

8. In March 2016, Plaintiff went to the offices of Midtown Estates and met with the property manager, Carol Minks. (Exhibit A Minks Dep at 14:6-11).

Response:

9. Ms. Minks told Plaintiff that he could not rent the apartment he desired because of the criminal history reporting on a background report prepared by Defendant RealPage. (Exhibit A Minks Dep at 17:22-19:1)

Response:

10. The RealPage report showed a conviction from Wisconsin for second degree sexual assault of a child and two felony convictions from Kentucky for trafficking a controlled substance – heroin. (Exhibit C REALPAGE 000006-10)

Response:

11. Neither the Wisconsin record nor the felony convictions from Kentucky belong to Plaintiff. (Exhibit E REALPAGE 0000105-106).

Response:

12. According to the rental guidelines for Midtown Estates Plaintiff could not rent the apartment because of these inaccurate records. (Exhibit A Minks Dep. at 17:22-19:1) (Exhibit B Jackson 179-209 at 193).

Response:

13. Plaintiff told the property manager that the records did not belong to him, but she was required to abide by the property guidelines. (Exhibit A Minks Dep. at 19:2-10; 26:12-27:9).

Response:

14. Because he could not move into the apartment, Plaintiff and his daughter were forced to live in a local motel. (Exhibit B Jackson Dep.10:8-10).

Response:

15. The motel room only had a king-size bed and only had a microwave to cook. (Exhibit B Jackson Dep. at 19:6-11).

Response:

16. The criminal records from Kentucky belong to an individual identified as James Jackson. (Exhibit C REAL PAGE 000006-000010)

Response:

17. The James Jackson associated with the Kentucky criminal records was sentenced to 10 years in prison for one offense and five years in prison for the second offense. (Exhibit C REALPAGE 000006-10) (Exhibit F Ramesh Dep. at 47:12-17; 48:2-8).

Response:

18. The criminal record from Wisconsin belongs to an individual identified as Eric D. Jackson who used the alias James Jackson. (Exhibit C Real Page 000006-000010)

Response:

19. [REDACTED]
[REDACTED]
[REDACTED]. (Exhibit F Ramesh Dep. at 40:6-41:13)

Response:

20. RealPage received the information about these records as bulk data from a vendor, Genuine Data Services. (Exhibit F Ramesh Dep. at p 56:10-22)

Response:

21. RealPage does not know how the vendor acquired the records or whether the vendor went to the court houses to get the information. (Exhibit F Ramesh Dep. 52:12-53:3)

Response:

22. RealPage also does not perform any check on the vendor to assess the accuracy of the records supplied by the vendor. (Exhibit F Ramesh Dep. at p. 53:4-13)

Response:

23. [REDACTED]
[REDACTED] (Exhibit F. Ramesh Dep. at 43:8-11)

Response:

24. RealPage refers to instances where information relating to one person is reported on another person's consumer report as a nonmatch. (Exhibit G Bonner Dep. at 34:7-19)

Response:

25. [REDACTED] [REDACTED] [REDACTED] (Exhibit G Bonner Dep. at 39:5-7)

Response:

26. [REDACTED] [REDACTED] [REDACTED]. (Exhibit G Bonner Dep. 39:2-4)

Response:

27. [REDACTED] [REDACTED] [REDACTED] (Exhibit G Bonner Dep. at 38:24-39:1)

Response:

28. Plaintiff disputed the Kentucky and Wisconsin records with RealPage by e-mail and regular mail in October 2017. (Exhibit H REALPAGE 000012-39)

Response:

29. Plaintiff never received any results from his dispute from RealPage. (Exhibit B Jackson 91:11-16, 101:19-103:11)

Response:

30. Plaintiff could not have leased an apartment at Midtown Estates while the felony sex offender and heroin convictions were on his background report. (Exhibit A Minks Dep. at 27:3-9).

Response:

31. Plaintiff leased an apartment at Midtown Estates in February 2017. (Exhibit A Minks Dep. at 25:3-11).

Response:

32. In February 2017, Plaintiff requested a file disclosure from RealPage. (Exhibit F Ramesh Dep. at 62:16-19).

Response:

33. RealPage Uses the same policies and procedures to generate a file disclosure as it does when it creates a screening report. (Exhibit F Ramesh Dep. at 65:1-19, 67:5-8).

Response:

34. When he received the file disclosure, the two felony convictions for trafficking heroin from Kentucky were still on his file. (Exhibit F RealPage 000050-56).

Response:

35. Mr. Jackson's February 2017 file disclosure was prepared in accordance with RealPage's policies and procedures. (Exhibit F Ramesh Dep. at 73:9-12).

Response:

Respectfully submitted,

FRANCIS & MAILMAN, P.C.

/s/ Geoffrey H. Baskerville
Geoffrey H. Baskerville
(admitted *pro hac vice*)
1600 Market Street, 25th Floor
Philadelphia, PA 19103
215-735-8600
gbaskerville@consumerlawfirm.com

Zachary Oswald
**Legal Aid Society of Middle Tennessee
& The Cumberlands:**
106 Public Square, Suite 109
Gallatin, TN 37066
(404) 373-1970
(404) 601-1855 fax

DATED: February 15, 2019